THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27199 OF 2005

DATED:21.12.2005

Between:

Kethana Kumara Swamy and other

…Petitioners

And

The Gudivada Municipality, rep. by its

Commissioner, Gudivada, Krishna District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27199 OF 2005

ORDER:

The petitioner is a tenant in premises bearing D.No.4/333 situated at Tilak Road (Bantumilli road), Gudivada, Krishna District. The said property belongs to Sri Veeranjaneya Vari Devasthanam, Gudivada. It appears, the Gudivada Municipality has taken up widening of Medara Bazar between Bantumilli road to bus stand and in that connection they conducted survey. The petitioner apprehends that if the road widening is taken up, the shop in his possession is likely to be demolished. Therefore, apprehending that the first respondent Corporation may take coercive action, present Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in illegally interfering with the possession of the petitioner's property as illegal and arbitrary. He also seeks a consequential direction to

respondents to stop the threatened demolition and removal of the shops.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Gudivada Municipality.

Learned Standing Counsel submits that as the property belongs to the temple, the Municipality has to negotiate with them for giving consent to handover advance possession of the property. He also submits that even before obtaining consent of the landlord, it is not necessary to give any notice to the petitioner/tenant. There is force in the submission. In the event of landlord not willing to part with the possession after negotiations, the Municipality shall have to necessarily acquire the land in accordance with Section 174 of the A.P. Municipalities Act, 1965.

The Writ Petition with the above observations is accordingly dismissed.

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21.12.2005 (V.V.S.RAO, J)

bnr

*Note: Issue CC by 26.12.2005.*

*(B.O)*

*bnr*